

Section 2: The Development Code, Ordinance No. 2050, Ordinance 4332, Chapter 40 – Applications, Section 40.95 Variance specifically Section 40.95.10. and 40.95.15.1.A., will be amended to read as follows:

40.95.10. Applicability.

A Variance application may only be requested for those proposals that request a variance of more than fifty percent (50%) from the numerical Site Development Requirements contained in Chapter 20 (Land Uses) or any numerical requirements contained in Section 60.30 (Off-Street Parking), Section 60.40 (Sign Regulations), ~~and~~ Section 60.55 (Transportation Facilities), excluding Section 60.55.30, and Section 60.65 (Utility Undergrounding) for publicly funded roadway projects.

40.95.15. Application.

1. Variance.

- A. Threshold. An application for Variance shall be required when the following threshold applies:

6. A publicly funded roadway project.

- C. Approval Criteria. In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

9. For a proposal for a variance from utility undergrounding regulations, no variance shall be granted unless it can be shown that the primary funding source for the project specifically excludes such work from the funding authority.

10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
